

**WYATT
35870-052002**



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 20, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

- 1. Call to Order--Roll Call. (Council Member Harris was absent.)**

The Invocation was delivered by The Reverend Marion G. Harris, Director, Virginia Evangelizing Fellowship.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 23, 2002, at 7:00 p.m., and Saturday, May 25, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Request of Council Member William D. Bestpitch to introduce measures regarding a contribution to the National D-Day Memorial; and memorializing the late Donald McArthur Young, a Roanoke native, who lost his life as a result of the September 11 attack on the Pentagon.

**Adopted Resolution Nos. 35871-052002 and 35872-052002. (6-0.)
File #80-110-367-518**

A resolution expressing gratitude to John H. Parrott for his years of service to the Hotel Roanoke Conference Center Commission.

**Adopted Resolution No. 35870-052002. (6-0.)
File #80-110-247**

Proclamation declaring the week of May 19 – 25, 2002 as Emergency Medical Services Week.
File #3-70-354

Announcement of the 2002 Award of Excellence from the Clean Valley Council.
File #80-265

3. CONSENT AGENDA

(APPROVED 6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from Evelyn S. Lander submitting her resignation as a member of the Roanoke Valley Alleghany Regional Commission, effective immediately.

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

File #110-326

- C-2 Reports of qualification of the following persons:

Darlene L. Burcham as a member of the Hotel Roanoke Conference Center Commission for a term ending April 12, 2006; and

James C. Hale for a term ending March 31, 2003; Mark S. Lawrence and David Nixon for terms ending March 31, 2004; and Brian M. Shepard for a term ending March 31, 2005, as members of the Parks and Recreation Advisory Board.

RECOMMENDED ACTION: Receive and file.

File #15-67-110-247

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending execution of Change Order No. 2 to the contract with Mid Eastern Builders, Inc., for relocation of the raw water pump manhole and strainer box at the Crystal Spring Water Treatment (Filtration) Plant, in the amount of \$108,216.00.

Adopted Ordinance No. 35873-052002. (6-0.)
File #468-472

2. A communication recommending rejection of the proposal of NAPA Auto Parts for turnkey parts operation in the City's Fleet Management Division.

Adopted Resolution No. 35874-052002. (6-0.)
File #366-472

3. A communication recommending the use of competitive negotiation as the method to secure vendors to provide telephone survey services.

Adopted Resolution No. 35875-052002. (6-0.)
File #291-383-497

4. A communication recommending that Market Street from Salem Avenue to Church Avenue, S. E., and Wall Street from Salem Avenue to Campbell Avenue, S. E., be closed to the public as a right-of-way for vehicular and pedestrian traffic from 6:30 p.m. – 3:00 a.m., for outdoor dining purposes.

Adopted Ordinance No. 35876-052002. (6-0.)
File #20-514-555

5. A communication recommending approval of a portion of the Muse Spring property to be used as a well site for a water supply system for the City; and that the City Manager be authorized to execute a well dedication document.

Adopted Ordinance No. 35877-052002. (6-0.)
File #166-468

6. A communication recommending execution of an agreement with the Virginia Department of Forestry, in connection with an Urban and Community Forestry Grant, in the amount of \$15,000.00; and appropriation of funds.

Adopted Budget Ordinance No. 35878-052002 and Resolution No. 35879-052002. (6-0.)
File #60-236-240

7. A joint communication from the City Manager and the Director of Finance with regard to the Restatement and Amendment of the City of Roanoke Pension Plan.

Adopted Ordinance No. 35880-052002. (6-0.)
File #24-184-429

8. A communication recommending execution of an agreement with the Virginia Department of Environmental Quality for a Notice of Use Limitation for Waste, in connection with Unit 2, Middle Lot, Public Works Service Center.

Adopted Ordinance No. 35881-052002. (6-0.)
File #183-529

9. A communication with regard to a late payment penalty for parking tickets.

Adopted Ordinance No. 35882-052002. (6-0.)
File #20-24-289

7. REPORTS OF COMMITTEES:

- a. A communication from the Roanoke City School Board requesting appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request.

Adopted Budget Ordinance No. 35883-052002. (6-0.)
File #60-467

8. UNFINISHED BUSINESS:

- a. A communication from the City Manager with regard to amendment to the Comprehensive Plan to include the Outlook Roanoke Plan. (The matter was tabled at the February 19, 2002 meeting of Council.)

Adopted Resolution No. 35884-052002. (6-0.)
File #200-277

- b. Ordinance No. 35818, on second reading, amending, repealing or replacing proffered conditions authorized by Ordinance No. 32294-121994 presently binding upon Official Tax No. 2761409, and rezoning Official Tax No. 2761409 from RS-3, Residential Single Family, Low Density District, and C-2, General Commercial District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and rezoning Official Tax No. 2761421 from RS-3, Residential Single-Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. (The matter was tabled at the May 6, 2002 meeting of Council.)

The matter was referred back to the City Planning Commission for further report and recommendation to Council.
File #51

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Vice-Mayor Carder commended City Staff and others on a meeting that was held on Thursday, May 16, 2002, at Belmont Christian Church, in connection with the Jamison/Bullitt Pilot Project.
File #178-200

Vice-Mayor Carder suggested that the matter of land valued taxation be referred to a committee composed of Council Members, the Director of Real Estate Valuation, and representatives from the business community. He also suggested that the matter be referred to the Legislative Committee.

File #79-137

Vice-Mayor Carder spoke in support of the City Manager's appointment of a committee to study the feasibility of legislation that will permit the City to place more emphasis on local companies in the request for proposals process. If legally permissible, he further suggested that the matter be referred to the Legislative Committee. Prior to appointing a study committee, Council Member Wyatt suggested that the City Attorney review the legality of the matter.

File #45-137

Council Member Bestpitch commended the City Manager and City staff in connection with tips which are included on the City's website with regard to water conservation, and specifically the rain barrel option to collect water as it runs off of the roof.

File #468

Council Member Bestpitch reviewed information which was presented by the Virginia Department of Transportation at a meeting on Wednesday, May 15, 2002, with regard to changes in VDOT's Six Year Program.

File #77

Council Member Hudson requested a recommendation from the City Manager with regard to an appropriate location to display portraits of former Mayors of the City of Roanoke.

File #132

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. CITY MANAGER COMMENTS:

The City Manager commended the Local Colors Festival, which was held on Sunday, May 19, that celebrated the diversity of cultures represented in the Roanoke Valley.

File #104-317

12. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS ALSO A TIME FOR INFORMAL DIALOGUE BETWEEN COUNCIL MEMBERS AND CITIZENS. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

AT 3:50 P.M., THE MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 20, 2002
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call. (Council Member Harris arrived late.)

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised by RVTv Channel 3 to be replayed on Thursday, May 23, 2002, at 7:00 p.m., and Saturday, May 25, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

- 1(a) Bids for lease of certain property in East Gate Park for construction, maintenance and operation of a golf facility for use by the general public.

**The bid of the Scott Robertson Memorial Fund was referred to the City Manager for study, report and recommendation to Council at its next regular meeting on Monday, June 3, 2002 at 2:00 p.m.
File #67-372-560**

- (b) Public hearing with regard to the lease of certain property in East Gate Park for construction, maintenance and operation of a golf facility for use by the general public, subject to certain terms and conditions. Darlene L. Burcham, City Manager.

**Adopted Resolution No. 35885-052002. (5-0, Vice-Mayor Carder abstained from voting.)
File #67-373**

2. Public hearing on the request of Cape Town, L.C., and Steven W. Morris that two tracts of land located on the southwest side of Roberts Road, S. W., identified as Official Tax Nos. 1290212 and 1290211, be rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to certain conditions proffered by the petitioners. Daniel F. Layman, Attorney.

**The matter was referred back to the City Planning Commission for further study, report and recommendation to Council.
File #51**

3. Public hearing on the request of the City of Roanoke, Calvin W. and Mary C. Powers, and Theodore J. and Judy P. Sutton that a tract of land lying generally west of Courtland Avenue, N. W., north of Orange Avenue and south of Sycamore Avenue, comprising approximately 24.5 acres, more or less, and designated as Official Tax Nos. 3070301-3070310, inclusive; 3070313-3070316, inclusive; 2041816 and 2041817, currently zoned LM, Light Manufacturing District; and Official Tax Nos. 3070501, 3070318 and 3070319, currently zoned C-2, General Commercial District, be rezoned to C-3, Central Business District. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 35886-052002. (7-0.)
File #51-192**

4. Public hearing on a proposal of the City of Roanoke to lease an 8.5 acre, more or less, parcel of land located on top of Mill Mountain, as described in Exhibit A to a Lease and Agreement dated January 1, 2002, to the Blue Ridge Zoological Society of Virginia, Inc., for a period of five years, ending December 31, 2006. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 35887-052002. (7-0.)
File #67-373**

B. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

1. Ordinance No. 35850 amending Section 32-217, Levied rate, Article IX, Admissions tax, Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, to increase the admissions tax on the stated admission charge to any place of amusement or entertainment from 5 per cent to 6.5 per cent, effective July 1, 2002.

**Adopted Ordinance No. 35850-052002. (5-2, Council Member Hudson and Mayor Smith voted no.)
File #24-60-79-192**

2. Ordinance No. 35851 amending certain fees and charges, establishing certain new fees and charges with regard to subdivision and zoning fees, and amending the Fee Compendium, effective July 1, 2002.

**Adopted Ordinance No. 35851-052002. (5-2, Council Member Hudson and Mayor Smith voted no.)
File #51-60-252-289**

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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**Ms. Josephine Rouse, 3038 Melrose Avenue, N. W., addressed Council with regard to the credibility of the Police Department in connection with closing the police substation on Lafayette Boulevard, N. W.
File #5-66**

**Ms. Vernice Law, 1509 Lafayette Boulevard, N. W., owner of the building formerly used as a police substation, advised that even though the building is not in a state of disrepair, her main concern is that police officers have not given service to the community by appropriately staffing the police substation.
File #5-66**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., addressed Council with regard to the need for screen doors on the front of Lincoln Terrace residences.
File #66-178**